

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

KENNETH W. GEBHARDT,

Plaintiff,

vs.

**KILOLO KIJAKAZI, Acting
Commissioner of Social Security,**

Defendant.

NO.: CV-21-126-GF-BMM-JTJ

ORDER AWARDING EAJA FEES

Plaintiff Kenneth W. Gebhardt ("Gebhardt"), by and through his attorney, John E. Seidlitz, Jr., moves under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. §2412(d), for attorney fees incurred in prosecuting his Social Security appeal. Plaintiff requests \$10,259.02 in fees. Counsel for Defendant Commissioner of Social Security ("Commissioner") has been contacted and does agree to fees in this amount. Upon Plaintiff's application for fees under the Equal Access to Justice Act, and for good cause showing; Accordingly, **IT IS ORDERED** that Gebhardt's Application for Award of EAJA Fees is GRANTED. Gebhardt shall recover from Commissioner

\$10,259.02 in fees.

IT IS FURTHER ORDERED that if, after receiving the Court's EAJA fee order, the Commissioner (1) determines upon effectuation of the Court's EAJA fee order that Plaintiff does not owe a debt that is subject to offset under the Treasury Offset Program, (2) agrees to waive the requirements of the Anti-Assignment Act, and (3) is provided a valid assignment of fees executed by Plaintiff, the fees will be made payable to Plaintiff's attorney and mailed to Plaintiff's attorney's office as follows:

Seidlitz Law Office
P.O. Box 1581
Great Falls, MT 59403-1581

However, if there is a debt owned under the Treasury Offset Program, the Commissioner cannot agree to waive the requirements of the Anti-Assignment Act, and a check for any remaining EAJA fees after offset will be paid by a check made out to Plaintiff, but delivered to Plaintiff's attorney's office at the address stated above.

DATED this 23rd day of May, 2023.



John Johnston
United States Magistrate Judge